

App. No. 09/628,839
Amendment dated January 27, 20043
Reply to final Office action of September 29, 2003

REMARKS

The Office Action of September 29, 2003, has been carefully considered. Claims 1-56 were pending in the application. Claims 19, 20, 22-26, 33, 35, 37, and 43-48 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,815,720 to Buzbee (hereinafter Buzbec). Claims 49 and 50 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,950,003 to Kaneshiro et al. (hereinafter Kaneshiro). Claims 1-11, 13-18, 28-32, 38, 41, and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaneshiro in view of "Compilers: Principles, Techniques, and Tools" by Alfred Aho (hereinafter Aho). Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaneshiro in view of Aho and further in view of U.S. Patent No. 5,815,714 to Shridhar (hereinafter Shridhar). Claims 21, 27, 34, 36 and 51-56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Buzbee in view of Kaneshiro. Claims 39 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aho in view of Kaneshiro.

In overview, by the present amendment, Claims 1, 19, 24-26, 28, 33, 35, 36, 38, 39, 41, 43, 44, 46, and 48 have been amended. Claims 57-65 have been added. Claims 1-65 are now pending in this application. No new matter has been added. The rejections have been traversed in view of the following remarks.

A. 35 U.S.C. § 102 Claim Rejections

Claims 19, 20, 22-26, 33, 35, 37, and 43-48 were rejected under 35 U.S.C. § 102(b) as being anticipated by Buzbee. Applicant respectfully disagrees.

Claim 19, as amended, recites "controlling execution of the first computer program analysis tool using the annotation information before the source code associated with the executable computer program is compiled."

Buzbee does not teach the limitations recited in Applicant's Claim 19. Buzbee teaches compiling source code to produce a first object code for an application. The first object code is dynamically translated to produce a second object code. The second object code includes profiling code which, when executed, produces profile information. The source code for the application is then recompiled using the profile information to produce an optimized object code.

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Buzbee does not teach "controlling execution of the first computer program analysis tool using the annotation information before the source code associated with the executable computer program is compiled." Thus, Applicant's Claim 19, as amended, is proposed to be allowable, and notice to that effect is solicited.

Claims 33 and 43, as amended, include limitations substantially similar (albeit different in other important ways) to the limitations claimed in the currently amended Claim 19. As discussed above, Claim 19 is proposed to be allowable. Thus, Claims 33 and 43 are allowable for at least the same reasons that Claim 19 is allowable, and notice to that effect is solicited.

Claim 24, as amended, recites "modifying the executable computer program in accordance with the annotation information before source code associated with the executable computer program is compiled."

Without unnecessarily repeating the arguments above, Applicant respectfully submits that Claim 24 of the present invention is not taught or suggested by Buzbee. Buzbee teaches using profile information to optimize object code of a computer application. Buzbee does not teach modifying the executable computer program as claimed in Applicant's Claim 24. Specifically, Buzbee does not teach "modifying the executable computer program in accordance with the annotation information before source code associated with the executable computer program is compiled." Thus, Applicant's Claim 24, as amended, is proposed to be allowable, and notice to that effect is solicited.

Claims 35 and 46, as amended, include limitations substantially similar (albeit different in other important ways) to the limitations claimed in the currently amended Claim 24. As discussed above, Claim 24 is allowable. Thus, Claims 35 and 46 are allowable for at least the same reasons that Claim 24 is allowable, and notice to that effect is solicited.

Dependent Claims 20, 22, 23, 25, 26, 37, 44, 45, 47 and 48 are allowable for at least the same reasons that the base claims on which they rely are allowable, and notice to that effect is solicited. For at least the above reasons, Applicant respectfully submits that the § 102(b) rejections of Claims 19, 20, 22-26, 33, 35, 37, and 43-48 are improper, and respectfully requests reconsideration and withdrawal of these rejections.

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B. 35 U.S.C. § 103 Claim Rejections

Claims 1-11, 13-15, 17, 18, 28-32, 38, 41, and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaneshiro et al. in view of Aho. Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaneshiro in view of Aho and further in view of U.S. Shridhar. Claims 21, 27, 34, and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Buzbee in view of Kaneshiro. Claims 39 and 40 were rejected as being unpatentable over Aho in view of Kaneshiro. Applicant respectfully disagrees.

Claim 1, as amended, recites “analyzing the computer program with the annotation information before the source code is compiled.”

Neither Kaneshiro, Aho or any combination thereof teach the limitations recited in Applicant’s Claim 1. Kaneshiro teaches inserting profiling instrumentation codes during compilation. Aho teaches a symbol table for keeping track of a variety of arguments of a procedure. Neither Kaneshiro, Aho or any combination thereof teach “analyzing the computer program with the annotation information before the source code is compiled.” Thus, Applicant’s Claim 1, as amended, is proposed to be allowable, and notice to that effect is solicited.

Claims 28 and 38, as amended, include limitations substantially similar (albeit different in other important ways) to the limitations claimed in the currently amended Claim 1. As discussed above, Claim 1 is proposed to be allowable. Thus, Claims 28 and 38 are allowable for at least the same reasons that Claim 1 is allowable, and notice to that effect is solicited.

Claim 14, as amended, recites “annotating computer source code before the source code is compiled using an intrinsic function call in the source code.”

Neither Aho, Kaneshiro or any combination thereof teach the limitations recited in Applicant’s Claim 14. Aho teaches a symbol table for keeping track of a variety of arguments of a procedure. Kaneshiro teaches instrumented sequential codes to be profiled have been instrumented using calls to profile library subroutines. Neither Aho, Kaneshiro or any combination thereof teach “annotating computer source code before the source code is compiled using an intrinsic function call in the source code.” Thus, Applicant’s Claim 14, as amended, is proposed to be allowable, and notice to that effect is solicited.

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Claim 39, as amended, recites that "annotation information remains with the source computer program during execution of the source computer program."

Neither Aho, Kaneshiro or any combination thereof teach the limitations recited in Applicant's Claim 39. Aho teaches a symbol table for keeping track of a variety of arguments of a procedure. Kaneshiro teaches obtaining and collecting profile data during execution of a program to grasp program behavior. Neither Aho, Kaneshiro or any combination thereof teach that "annotation information remains with the source computer program during execution of the source computer program." Thus, Applicant's Claim 39, as amended, is proposed to be allowable, and notice to that effect is solicited.

Claims 41 and 57-65, as amended, include limitations substantially similar (albeit different in other important ways) to the limitations claimed in the currently amended Claim 39. As discussed above, Claim 39 is proposed to be allowable. Thus, Claims 41 and 57-65 are allowable for at least the same reasons that Claim 39 is allowable, and notice to that effect is solicited.

Dependent Claims 2-13, 15-18, 21, 27, 29-32, 34, 36, 40, 42 and 49-56 are allowable for at least the same reasons that the base claims on which they rely are allowable, and notice to that effect is solicited. For at least the above reasons, Applicant respectfully submits that the § 103(a) rejections of Claims 1-18, 21, 27-32, 34, 36, 38-42 and 49-56 are improper, and respectfully requests reconsideration and withdrawal of these rejections.

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CONCLUSION

Applicant has considered the references cited by the Examiner in the Office Action. None of these references appear to affect the patentability of Applicant's Claims as amended. By the foregoing amendments and remarks, Applicant believes that all pending claims are allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the Applicant at the telephone number provided below.

Respectfully submitted,

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